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Institution: Inter-American Commission on Human Rights  
Title/Style of Cause: James Rex Powell v. United States  
Doc. Type: Decision on Precautionary Measures  
Dated: 19 September 2002  
Citation: Powell v. United States, Inter-Am. C.H.R., OEA/Ser.L/V/II.117, doc. 1 rev. 1, Ch. III, para. 86 (2002)

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86. On September 19, 2002 the Commission authorized precautionary measures in favor of James Rex Powell. According to the petition requesting the measures, James Rex Powell was an inmate on death row in Livingstone, Texas who was scheduled to be executed on October 1, 2002. In 1991, he was convicted and sentenced to death for the October 1990 rape, abduction and murder of Falyssa Van Winkle. The petition alleged that Mr. Powell was a victim of numerous human rights violations, because he was sentenced to death based in part on evidence relating to a charge on which he had been acquitted by a Louisiana jury, because Mr. Powell's jury was not impartial, and because Mr. Powell was deprived of his right to petition enshrined in Article XXIV of the Declaration based upon a rule of "procedural default" that precluded him from raising certain claims before the U.S. courts. In its September 19, 2002 communication to the United States, the Commission informed the State that if Mr. Powell was executed before the Commission had an opportunity to examine his case, any eventual decision would be rendered moot in respect of the efficacy of potential remedies, and he would suffer irreparable damage. Consequently, the Commission requested that the United States take precautionary measures to preserve Mr. Powell's life pending the Commission's investigation of the allegations in his petition, and asked for an urgent response to its request. In a note dated September 20, 2002, the State informed the Commission that the Commission's request for precautionary measures had been forwarded to the Governor and Attorney General of Texas. The Commission subsequently received information that Mr. Powell's execution proceeded as scheduled on October 1, 2002.